

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**THOMAS LAUMANN, ROBERT SILVER,  
GARRETT TRAUB, and DAVID DILLON,  
representing themselves and all other similarly  
situated,**

**Plaintiffs,**

**- against -**

**NATIONAL HOCKEY LEAGUE, et al.,**

**Defendants.**

**ORDER**

**12-cv-1817 (SAS)**

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**MARC LERNER, DEREK RASMUSSEN, and  
GARRETT TRAUB, representing themselves and all  
other similarly situated,**

**Plaintiffs,**

**- against -**

**OFFICE OF THE COMMISSIONER OF BASEBALL,  
et al.,**

**Defendants.**

**12-cv-3704 (SAS)**

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**SHIRA A. SCHEINDLIN, U.S.D.J.:**

I have reviewed the defendants' letter motion for reconsideration dated March 13, 2015 and the plaintiffs' response dated March 14, 2015. There is

merit to be found in both submissions. Plaintiffs correctly note that, in fact, *all* of Dr. Ordoover's written submissions will be considered by the Court in determining both the *Daubert* challenge to Dr. Noll and the motion for class certification. The only remaining issue is the extent his *live* testimony will be helpful to the Court. In that regard, the purpose of the March 12 Order was merely to ensure that the three days allotted for the combined *Daubert* and class certification hearing would be efficient and as helpful to the Court as possible. To the extent that the Court failed to perceive the ways in which Dr. Ordoover's testimony would address issues that will not be addresses by Dr. Pakes, I hereby amend my Order to allow such testimony. This Order supersedes the March 12 Order. Defendants are permitted to proffer testimony from Dr. Ordoover that is not duplicative of any testimony by Dr. Pakes, that does not summarize declarations or depositions of fact witnesses, and that does not instruct the Court on the governing law. No other restrictions are imposed.

The parties are directed to jointly propose a time-line by close of business on March 16 as to the time allocation for opening statements, closing arguments and each live witness who will testify at the three day hearing. The Court will sit from 10 am to 4:30 pm each day with approximately a 10 minute morning recess, a one hour lunch recess, and a 5 minute afternoon recess. Below is

an example, and merely an example, of the joint submission.

**DAY 1:**

Opening Statements: 10 am. - 11 am (30 minutes for plaintiffs, 30 minutes to be shared by defendants)

Witness Testimony:

11 am - 1 pm (Direct examination of Dr. Noll) (includes 10 min. morning recess)

2 pm - 3 pm (Cross examination of Dr. Noll)

3:00 - 3:30 (Re-direct of Dr. Noll)

3:30-4:30 (Direct examination of Dr. Pakes)

**DAY 2:**

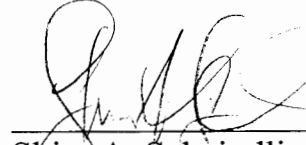
Witness Testimony (continued): Dr. Pakes, Dr. McFadden, Dr. Ordoover

**DAY 3:**

Witness Testimony (continued): Dr. Ordoover, Dr. Noll (rebuttal)

Closing Arguments: 2:30-4:30

SO ORDERED:

  
\_\_\_\_\_  
Shira A. Scheindlin  
U.S.D.J.

Dated: March 15, 2015  
New York, New York

**- Appearances -**

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